monwealth. They did not intend to protect what might destroy the state. It was not intended that the right of free speech included the right to promote sedition.'

"If our interpretation of our statute is correct, as no doubt it is, the whole statute is unconstitutional upon the same reasoning as that adopted by the New Jersey court in regard to section 3 of their act. It is true that section 3 of that act violated the right of assembly, but the principles governing the right of assembly and the right of free speech are the same."

When Obstruction of Coal Mining Is a Restraint of Interstate Commerce.—In United Mine Workers of America *v.* Coronado Coal Co., 42 Sup. Ct. Rep. 570, the Supreme Court of the United States held that coal mining is not interstate commerce, and obstruction of coal mining, though it may prevent coal from going into interstate commerce, is not a restraint of such commerce, unless the obstruction is intended to restrain commerce, or has necessarily such a direct material substantial effect to restrain it that the intent reasonably must be inferred.

Mr. Chief Justice Taft in delivering the opinion of the court said in part:

"This case is very different from Loewe *v.* Lawlor, 208 U. S. 274, 28. Sup. Ct. 301, 52 L. Ed. 488, 13 Ann. Cas. 815. There the gist of the charge held to be a violation of the Anti-Trust Act was the effort of the defendants, members of a trades union, by a boycott against a manufacturer of hats, to destroy his interstate sales in hats. The direct object of attack was interstate commerce.

"So, too, it differs from Eastern States Retail Lumber Dealers' Association *v.* United States, 234 U. S. 600, 34 Sup. Ct. 951, 58 L. Ed. 1490, L. R. A. 1915A, 788, where the interstate retail trade of wholesale lumber men with consumers was restrained by a combination of retail dealers by an agreement among the latter to blacklist or boycott any wholesaler engaged in such retail trade. It was the commerce itself which was the object of the conspiracy. In United States *v.* Patten, 226 U. S. 525, 33 Sup. Ct. 141, 57 L. Ed. 333, 44 L. R. A. (N. S.) 325, running a corner in cotton in New York City, by which the defendants were conspiring to obtain control of the available supply and to enhance the price to all buyers in every market of the country, was held to be a conspiracy to restrain interstate trade, because cotton was the subject of interstate trade, and such control would directly and materially impede and burden the due course of trade among the states, and inflict upon the public the injuries which the Anti-Trust Act was designed to prevent. Although running the corner was not interstate commerce, the necessary effect of the control of the available supply would be to obstruct and restrain interstate commerce, and so the conspirators were charged with the in-

tent to restrain. The difference between the Patten Case and that of Ware & Leland Co. *v.* Mobile County, 209 U. S. 405, 28 Sup. Ct. 526, 52 L. Ed. 855, 14 Ann. Cas. 1031, illustrates a distinction to be drawn in cases which do not involve interstate commerce intrinsically but which may or may not be regarded as affecting interstate commerce so directly as to be within the federal regulatory power. In the Ware & Leland Case, the question was whether a state could tax the business of a broker dealing in contracts for the future delivery of cotton where there was no obligation to ship from one state to another. The tax was sustained, and dealing in cotton futures was held not to be interstate commerce, and yet thereafter such dealings in cotton futures as were alleged in the Patten Case, where they were part of a conspiracy to bring the entire cotton trade within its influence, were held to be in restraint of interstate commerce. And so in the case at bar coal mining is not interstate commerce, and obstruction of coal mining, though it may prevent coal from getting into interstate commerce, is not a restraint of that commerce, unless the obstruction to mining is intended to restrain commerce in it, or has necessarily such a direct, material, and substantial effect to restrain it that the intent reasonably must be inferred."

When One Ceases to Be a Passenger.—In Washington, etc., R. Co. *v.* State, 116 Atl. 911, the Court of Appeals of Maryland held that though one waiting at the place provided for passengers might have been a passenger, he no longer sustained that relation, where just before the arrival of his train he abandoned his intention of taking it, or left the station platform and walked across the tracks, where there was no occasion for him to go as a passenger.

The court said in part:

"It is sought to distinguish this case from cases like those above cited on the ground that the relation of Goodwin to the company was that of a passenger. It might well be held that he sustained that relation while he was on the company's property approaching, and standing at, the place provided for passengers to Baltimore. But it would be stretching the technical relation very far to hold that one who had sustained such a relation merely because of his going to a railway station with the intention of taking a train continued in that relation after he abandoned such intention or left the station platform just before the arrival of his train and walked across the tracks where there was no occasion for him to go as a passenger. 10 Corpus Juris, p. 613, sec. 1040, b.

"If he had been leaving a train within a reasonable time after its arrival and by ways provided by the company for that purpose, the case would be different, as under such circumstances the company must provide safe exit for its passengers, and where it is necessary to cross tracks in approaching or leaving a train a passenger—'may assume that the railroad company will so operate its other trains, or